



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 5709-99  
3 February 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The record shows that you enlisted in the Marine Corps on 3 January 1980 for three years at age 18. On 6 January 1982 and 28 May 1982 you received nonjudicial punishment for use of marijuana. There are two administrative remarks entries in the record which state that your uniform items had been recovered due to your discharge by reason of misconduct, and that you were not being recommended for reenlistment due to your use of marijuana. The discharge package and DD Form 214 are not filed in the service record. Therefore, the character of service and reason for discharge cannot be confirmed by the Board. You state in your application that on 17 December 1982 you received a general discharge under honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and two years of good service before the first nonjudicial punishment. The Board found that the available record, especially the two nonjudicial punishments for marijuana use, was sufficient to support a general discharge by reason of misconduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

If you have documentation showing that you did not receive a general discharge or that you were not discharged by reason of misconduct, you should submit that documentation to the Board in support of a request for reconsideration of your case.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director